

REMARKS

Claims 2-28 are pending in this application after this amendment. Claims 2-5, 10-12 and 14-22 are withdrawn from consideration. Claims 2, 6, 10, 23, 25, and 27 are independent. In light of the remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 6-7 and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Banton* (USP 6,048,117) in view of *Shibuya et al.* (USP 6,031,629); and rejected claims 8-9 under 35 U.S.C. § 103(a) as being unpatentable over *Banton* and *Shibuya et al.* and further in view of *Ishikawa* (USP 4,888,618). Applicants respectfully traverse these rejections.

Claim Rejections – 35 U.S.C. §103 – *Banton/Shibuya et al.*

In support of the Examiner's rejection of claim 6, the Examiner asserts that *Banton* discloses all the elements as set forth in the claim except for two elements. The Examiner admits that *Banton* fails to teach or suggest image outputting apparatus comprising a humidity measuring device which measures humidity in proximity to the printing device; and the correcting device correcting printing color based on printing color correcting information and the measured humidity. The Examiner relies on the teachings of *Shibuya et al.* to cure the deficiencies of the teachings of *Banton* citing to col. 3, lines 28-39, temperature and humidity sensor 3, and color correction means 9. The Examiner concludes it would have been obvious to one of ordinary skill in the art to combine the teachings of *Shibuya et al.* with the teachings of *Banton* in order to improve the image quality on the recording materials. Applicants respectfully disagree with the Examiner's assertions.

The disclosure of *Banton* is directed to a network based system for color calibration of printers. The printing device of *Banton* generates a plurality of color patches and identification data which are put in hard copy form by a marker. The hard copy calibration print is scanned and transmitted to a calibration server. The calibration server interprets the coded data and determines the originating device, the calibration pattern printed, and an optimal color pattern

based on the identification data. The printed color pattern is then compared to the optimal color pattern and their differences are determined. A color correction table is generated based on the differences and transmitted to the printer based on the identification data. The identification data provides for automatic recalibration of the printing devices (Abstract).

The disclosure of *Shibuya et al.* provides for a picture quality stabilizer for a color laser printer. The apparatus includes a temperature and humidity sensor, an upper-bound correction table, a gamma correction table and a mixed color correction table, each optimized with respect to a reference environment, interpolation means for those tables, and a gray level correction means for correcting the gray level with correction coefficients obtained by the interpolation means and the mixed color correction means for compensating any failure of the color balance with the linear transformation (Abstract).

The Examiner seeks to combine the teachings of these two references asserting that it would improve image quality on the recording materials. However, this motivation is insufficient to address why one skill in the art would be so motivated to combine the teachings of these two references. As noted above, *Banton* provides for performing a calibration test in order to determine the optimal colors. Based upon the calibration test, colors are corrected based upon the correction table. Once its color calibration is performed, there would be no reason in order to perform the color correction based upon temperature and humidity levels. In other words, if the colors were already corrected during the calibration test, there would be no need to further adjust the colors based upon the temperature and humidity. As such, there is no motivation to combine the teachings of the references as supported by the Examiner. The only source of motivation comes from Applicants' own specification which amounts to impermissible hindsight.

Claim 6 has been amended to more explicitly recite the present invention. Specifically, claim 6 recites the printing device printing the image with the corrected print color. In contrast, *Banton* clearly teaches that the calibration process occurs prior to user interaction in order to eliminate the need for the user to be involved in a recalibration process (column 5, lines 25-27).

As such, Applicants maintain that the combination of the references cited by the Examiner fail to render claim 6, as amended, obvious as there is insufficient motivation to combine the teachings of the cited references. As such, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 7-9 and 13 are allowable for the reasons set forth above with regard to claim 6, at least based on their dependency on claim 6.

By this Amendment, Applicants have added new claims 23-28 for consideration by the Examiner.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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Amendment dated December 13, 2005
Reply to Office Action of September 13, 2005

Docket No.: 0879-0285P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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